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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/770,714	02/03/2004	Gary Barr	HON 1448-048	2274
8698	7590	12/30/2005	EXAMINER	
STANDLEY LAW GROUP LLP 495 METRO PLACE SOUTH SUITE 210 DUBLIN, OH 43017			HONG, JOHN C	
			ART UNIT	PAPER NUMBER
			3726	

DATE MAILED: 12/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/770,714	Applicant(s) BARR ET AL.	
	Examiner John C. Hong	Art Unit 3726	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-70 is/are pending in the application.
- 4a) Of the above claim(s) 46-70 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/18/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of claims 1-45 in the reply filed on 10/10/05 is acknowledged.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-45 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, line 3, "said process' lacks antecedent basis.

Claim 23, line 3, "said process' lacks antecedent basis.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-18, 20-40 and 42-45 are rejected under 35 U.S.C. 102(e) as being anticipated by Hathaway et al. (U.S. Patent 6973905).

Hathaway et al. disclose : Regarding Claim(s) 1-18 and 20-22, a system (23) for ensuring

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that a fastener torquing predetermined manner, the system comprising: operation proceeds in a a system controller (71) for monitoring process, the system controller provided with data relating to individual steps of the process, one or more sensors (155) for monitoring the status of certain process steps; a powered fastener installation tool (137) for initially installing one or more fasteners, a torque applying tool (75); and a torque monitor/controller (186,188) in communication with the system controller and the torque applying tool, the torque monitor/controller adapted to determine whether an acceptable amount of torque has been applied to the one or more fasteners by the torque applying tool, wherein the powered fastener installation tool is energized only after certain ones of the process steps are indicated as being satisfactorily completed , and wherein the powered fastener installation tool is de-energized after an acceptable amount of torque is deemed to have been applied to the one or more fasteners (Figs. 1 and 2; col. 4, line 23-col.6, line 15); Regarding Claim(s) 23-40 and 42-45, a system for ensuring that a fastener torquing operation proceeds in a predetermined manner, the system comprising: a system controller (71) for monitoring process, the system controller provided with data relating to individual steps of the process, one or more sensors (155) for monitoring the status of certain process steps, a powered combination fastener installation/torque applying tool (137)(col. 10, lines 49-51) for installing and properly torquing one or more fasteners, the combination tool adapted to automatically change its torque setting in response to an appropriate signal from the torque monitor/controller (188,186), a torque monitor/controller in communication with the system controller and the combination tool, the torque monitor/controller adapted to automatically change torque settings of the combination tool and to determine whether an acceptable amount of torque has been applied to the one or more

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fasteners by the combination tool; wherein the system controller uses signals from the one or more sensors to create interlocks that ensure the process steps are accomplished satisfactorily and in the proper order; wherein the combination tool is energized only after certain ones of the process steps are indicated as being satisfactorily completed, wherein the combination tool is de-energized after an acceptable amount of torque is deemed to have been applied to the one or more fasteners, and wherein the torquing operation is deemed complete by the system controller only when all process steps have been completed in the proper order (Figs. 1 and 2; col. 4, line 23-col.6, line 15).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 19 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hathaway et al. (U.S. Patent 6973905).

Hathaway et al. teach the limitation except the torque monitor/controller is in communication with a database for recording the amount of torque applied to each fastener.

Official note is taken that utilizing database in communication with torque monitor/controller for recording the amount of torque applied to each fastener is well known in the art and It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize this well known device on the device of Hathaway et al. so as to apply accurate torque to the fastener.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John C. Hong whose telephone number is 571-272-4529. The examiner can normally be reached on M-F(07:00-16:30)First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bryant can be reached on 571-272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John C. Hong
Primary Examiner
Art Unit 3726

jh
December 26, 2005